

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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#14

Address to: <b>Box CPA</b> <b>Assistant Commissioner for Patents</b> <b>Washington, D.C. 20231</b>	Attorney Docket No. of Prior Application	Cm1189Q
	Assignee:	The Procter & Gamble Company
	First Named Inventor	Achim Schmitt
	Examiner Name	J. Webb
	Group/Art Unit	3761
	Express Mail Label No.	ET194808882US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 09/242,014, filed on April 5, 1999, entitled  
Disposable Absorbent Article with Wings Predisposed Towards Their In-Use-Position.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information disclosure Statement (IDS) is enclosed.
  - a. ☐ PTO-SB08
  - b. ☐ Copies of IDS Citations

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**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16 (c) or (j))		- 20*		x \$ =	\$
INDEPENDENT CLAIMS (37 CFR 1.16 (b) or (i))		- 3**		x \$ =	\$
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ =	\$
				BASIC FEE (37 CFR 1.16)	\$
				Total of above Calculations =	\$
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	\$0

6. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-2480.

- a. ☒ Fees required under 37 CFR § 1.16.  
b. ☒ Fees required under 37 CFR § 1.17.  
c. ☐ Fees required under 37 CFR § 1.18.

7. ☐ Applicant requests suspension of action under 37 CFR §1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR §1.17(i) is enclosed.

8. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

9. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

10. ☒ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated October 29, 2001 in the parent of the above-identified continuation application to preserve pendency of said parent application. The processing fee under 37 CFR §1.17 has been determined as follows: \$110.00 for a one-month extension of time.

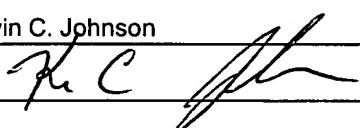
11. ☐ Other: \_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA  
**UNLESS** a new correspondence address is provided below.

## 12. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	(Insert Customer No. here) 27752	
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## 13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print/Type)	Kevin C. Johnson	Reg. No. 35,558
SIGNATURE		
DATE	February 21, 2002	

(transcpa2001.doc)

Revised for P&amp;G use 12/7/01

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Name of Person Mailing

Paula F. Durr

Signature of Person Mailing

P&G Case No. CM1189Q

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
ACHIM SCHMITT :  
Serial No.: 09/242,014 : Group Art Unit: 3761  
Filing Date: April 5, 1999 : Examiner: J. Webb  
For: DISPOSABLE ABSORBENT :  
ARTICLE WITH WINGS :  
PREDISPOSED TOWARDS :  
THEIR IN-USE-POSITION :

PRELIMINARY AMENDMENT

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Dear Sir:

Please amend the above-identified application and consider the following remarks.

IN THE CLAIMS

Please cancel claims 2, 3, and 4 without prejudice. Please amend claims 1, and 8.

1. (Amended) Disposable absorbent article (20) for wear in an a undergarment, comprising: a longitudinal axis (L) and a transverse axis (T), said disposable absorbent article comprising a main body portion (21) having longitudinal side edges (23) substantially extending parallel to said longitudinal axis (L) and having transverse side edges (22) substantially extending parallel to said transverse axis (T),

#14/C  
DR  
3/9/02

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